

FILED  
Clerk  
District Court

JAN 10 2006

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDSKRISSANA SANUSAT, SUMANG SETSEWAN,  
VACHINAPORN NGAMWONG, and RATREE  
DITWISET,

Plaintiff,

vs.

JK &amp; S CORPORATION and KYUNGTAI KIM,

Defendant.

Case No. CV-05-0002

**ORDER REGARDING MOTION TO  
WITHDRAW AS COUNSEL**

Attorney Danilo T. Aguilar filed his motion to withdraw as counsel on December 30, 2005 on the basis that his client Kyungtai Kim has acted in a way to render continued representation unreasonably difficult.

In Mr. Aguilar's Declaration of Counsel in Support of Motion to Withdraw 1-2, No. 26 (Dec. 30, 2005), he stated that "[o]n or about September[] 2005 up until the present, [he has had] no knowledge of [his client's] whereabouts[,] that he has "tried all possible means of communication to contact them but based upon information and belief, Mr. Kyungtai Kim has abandoned JK & S Corporation and has left the CNMI[,] and that he has "tried contacting Mr. Kim at his places of residence and business location on island, however, no one seems to know where he is[.]"

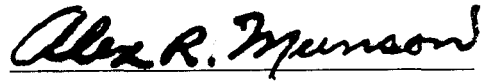
Under Rule of Discipline 2(h), which adopts the Model Rules of Professional Conduct, Mr. Aguilar may withdraw because "the representation . . . has been rendered unreasonably difficult by the client[] or . . . other good cause . . . ." *See* Model Rules of Professional Conduct R. 1.16(b)(6) & (7). However, before withdrawing Mr. Aguilar must "give[] reasonable notice to the client, allow[] time

1 for employment of other counsel, surrender[] papers and property to which the client is entitled and  
2 refund[] any advance payment of fee or expense that has not been earned or incurred[,]” Model  
3 Rules of Prof’l Conduct R. 1.16(d).

4 For Mr. Kim to be reasonably notified that his attorney Mr. Aguilar intends to withdraw as  
5 counsel, Mr. Aguilar must make a reasonable attempt to actually apprise Mr. Kim of his intent to do  
6 so. From the representations of counsel, the court cannot specifically determine what attempts have  
7 been made to contact the client. Accordingly, the court will not grant Mr. Aguilar’s motion to  
8 withdraw as counsel until Mr. Aguilar has given written notice to Mr. Kim at Mr. Kim’s last known  
9 residential and business address. If Mr. Kim fails to respond within 15 days, the court will consider  
10 Mr. Aguilar’s motion to withdraw as counsel, if he chooses to re-file.

11 IT IS SO ORDERED.

12 DATED this 10th day of January, 2006.

13   
14

15 ALEX R. MUNSON  
16 Chief Judge  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26